

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BETTIE FRANKLIN,

Plaintiff,

v.

SOCIAL SECURITY; MR. MARTINEZ,

Defendants.

Case No. 2:21-cv-01704-ART-EJY

ORDER

*Pro se* Plaintiff Bettie Franklin initiated this action on August 2, 2021, by filing a small claims complaint in North Las Vegas Justice Court. (ECF No. 1-2.) This complaint was served upon the Social Security Administration office in North Las Vegas. (*Id.*) On September 15, 2021, the United States removed this case to this Court. (ECF No. 1.) On October 18, 2021, the United States filed a Motion to Dismiss which argued that this case should be dismissed for improper service, as well as for failure to exhaust administrative remedies and for failure to state a claim under Fed. R. Civ. P. 8. (ECF No. 7.) In Plaintiff's response, Plaintiff did not address the issue of service. (ECF No. 10.)

The Social Security Administration is an agency of the United States. Under Federal Rule of Civil Procedure 4(i), to properly serve an agency of the United States, a plaintiff must serve: (1) the United States attorney for the district where the action is brought; (2) the United States Attorney General in Washington, D.C.; and (3) the agency of the United States. To properly serve an officer or employee of the United States individually for an act or omission in connection with their official duties, a plaintiff must serve: (1) the United States attorney for the district where the action is brought; (2) the United States Attorney General in Washington, D.C.; and (3) the officer or employee personally.

On May 31, 2022, the Court issued a notice of intent to dismiss pursuant

1 to Fed. R. Civ. P. 4(m) unless proof of service as to “Social Security, Mr. Martinez”  
2 is filed by June 30, 2022. (ECF No. 13.) Plaintiff did not file proof of service nor  
3 request an extension of time by June 30, 2022. On July 27, 2022, the Court  
4 issued a minute order explaining the requirements for service upon an agency of  
5 the United States and for an officer or employee of the United States individually  
6 for an act or omission in connection with their official duties. (ECF No. 14.) This  
7 minute order gave Plaintiff 45 additional days to properly serve the Social Security  
8 Administration and Mr. Martinez. (*Id.*) To date, no proof of service has been filed  
9 and Plaintiff has not contacted the Court to request an extension of time. Because  
10 the deadline to serve the Social Security Administration and Mr. Martinez has  
11 expired, the Court will dismiss this case without prejudice.

12 It is therefore ordered that this case be dismissed without prejudice.  
13  
14

15 DATED THIS 24<sup>th</sup> Day of October 2022.  
16

17 

18 ANNE R. TRAUM  
19 UNITED STATES DISTRICT JUDGE  
20  
21  
22  
23  
24  
25  
26  
27  
28